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REMARKS

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Amendments to the Specification

In the Office Action, the Examiner objected to the disclosure. Applicants have amended paragraphs 19 and 20 of the Specification according to the Examiner's suggestions. Therefore, Applicants respectfully request that the Examiner withdraw the objection to the disclosure.

On page 7, in paragraph 23, Applicants have replaced the ">" symbol with the "<" symbol, to reflect the logically necessary and obviously correct expression of the equation.

On page 7, in paragraph 24, Applicants have replaced the word "Virebimetric²" with "ViterbiMetric²", to replace a typographical error in the spelling of the word.

No new matter has been added via the amendments to the specification.

Status of Claims

Claims 3, 8, and 19 have been cancelled without prejudice. Therefore, Claims 1, 2, 4-7, 9-18, and 20-29 are pending in the application. Claims 1, 7, 13, 18, 24, and 27 have been amended. Applicants respectfully assert that no new matter has been added via the amendments to the claims.

Telephone Interview

Initially, Applicants wish to thank the Examiner, Sudhanshu Pathak, for granting and attending telephone interviews, with Applicants' Representative, Caleb Pollack, Reg. No. 37,912 and Associate Yamima Eadan on January 25, 2007.

In the first interview, Applicants' Representative brought to the Examiner's attention that claim 8 was not rejected in the Office Action based on prior art.

In the second interview, the Examiner agreed that claim 8 was not rejected in the Office Action based on prior art.

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In the third interview, the Examiner explained that claims 13-23 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, since claims 13 and 18 are single means claims.

The undersigned thanks the Examiner for his observations and helpful suggestions regarding claim amendments. Claims 1, 7, 13, 18, 24, and 27 have been amended in full accordance therewith.

It is respectfully noted that in the Office Action, the Examiner did not reject claims 6, 8, 12, 19, and 23 under 35 U.S.C. § 102 or 35 U.S.C. § 103.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejection

In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. § 101, as not being applied to an appropriate subject matter. Applicants traverse the rejection of claims 1-29 under 35 U.S.C. § 101.

Each of Applicants' claims 1, 7, and 27, as amended, includes, inter alia, "using a probable transmitted formula to decode the transmitted block". Each of Applicants' claims 13, 18, and 24, as amended, includes, inter alia, "a processor is to ... use a probable transmitted formula to decode the transmitted block". Applicants respectfully assert that claims 1, 7, 13, 18, 24, and 27, as amended, and the claims dependent therefrom, meet the requirements of 35 U.S.C. § 101.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-29 under 35 U.S.C. § 101.

35 U.S.C. § 112 Rejection

In the Office Action, the Examiner rejected claims 13-23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, asserting that claims 13 and 18 are single means claims. Applicants traverse the rejection of claims 13-23 under 35 U.S.C. § 112.

Each of Applicants' claims 13 and 18, as amended, includes, inter alia, "a processor ... and a memory". Therefore, Applicants' claims 13 and 18, as amended, are not single means claims.

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Applicants respectfully assert that claims 13 and 18, as amended, and the claims dependent therefrom, meet the requirements set forth under 35 U.S.C. § 112. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 13-23 under 35 U.S.C. § 112, first paragraph.

35 U.S.C. § 102 Rejection

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7, 9-11, 13, 15, 16, 18, 20-22, and 27-29 under 35 U.S.C. § 102(a), as being anticipated by Chi et al. (WO 02/060083, "Chi"). Applicants traverse the rejection of claims 1, 2, 4, 5, 7, 9-11, 13, 15, 16, 18, 20-22, and 27-29 under 35 U.S.C. § 102(a), as being anticipated by Chi.

Applicants' claims 1, 7, and 27, as amended, include, inter alia, "assuming a probable transmission format for a transmitted block based on the lowest metric calculated". Applicants' claims 13, 18, and 24, as amended, include, inter alia, "a processor ... to assume a probable transmission format for a transmitted block based on the lowest metric calculated". It is respectfully noted that in the Office Action, the Examiner did not reject claims that include these elements, including formerly pending claims 8 and 19, under the prior art of record. Applicants respectfully assert that neither Chi nor any of the prior art of record, alone or in combination, teaches at least these elements. For a reference to anticipate a claim, the reference must include all elements of the claim. Since Chi does not teach assuming a probable transmission format based on a lowest metric calculated, claims 1, 7, 13, 18, 24, and 27, as amended, are patentable over Chi.

Each of claims 2, 4, 5, 9-11, 15, 16, 20-22, 28, and 29 depends directly or indirectly from, and includes all the limitations of, one of independent claims 1, 7, 13, 18, 24, and 27, which as discussed are allowable over Anderson. Therefore, claims 2, 4, 5, 9-11, 15, 16, 20-22, 28, and 29 are likewise allowable.

Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4, 5, 7, 9-11, 13, 15, 16, 18, 20-22, and 27-29 under 35 U.S.C. § 102(a), as being anticipated by Chi.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 24-26 under 35 U.S.C. § 103(a), as being unpatentable over Chi in view of Anderson et al. (U.S. Pat. No. 6,161,013,

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"Anderson") and claims 3 and 14 under 35 U.S.C. § 103(a), as being unpatentable over Chi in view of Pedersen et al. (U.S. Pub. No. 2006/0176976, "Pedersen"). Applicants traverse the rejections of claims 3, 14, and 24-26 under 35 U.S.C. § 103(a).

Claims 13 and 24 as discussed above are allowable over Chi. Each of claims 14, 25, and 26 depends directly from, and includes all the limitations of one of claim 13 and 24, rendering these claims allowable over Chi. Neither Anderson nor Pedersen cure the deficiencies of Chi. Therefore, claims 14 and 24-26 are allowable over Chi in view of Pedersen and Anderson, respectively.

Claim 3 has been cancelled. Thus, the Examiner's rejection of this claim is moot.

Applicants respectfully request that the Examiner withdraw the rejection of claims 3, 14, 25, and 26 under 35 U.S.C. § 103(a) and as being unpatentable over Chi in view of Anderson.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,
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Dated: January 25, 2007

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